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July 8, 2003

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18...pages including cover sheet.

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PERSON TO:	COMPANY/DEPT TO:	FAX NUMBER:
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Examiner R. Zeman

Group Art Unit 1645

703 308 4242

PERSON FROM:	COMPANY/DEPT FROM:	FAX NUMBER:
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Mark W. Milstead

Intervet, Millsboro
Patent Department

302 934 4305

RE: USSN 09/403,092
Attorney Docket Number I 6909-1919 US
Supplemental Amendment Under 37 CFR 1.111

Please accept the documents that follow in the above-identified application:

Supplemental Amendment (15 pages)
Copy of Notice of Non Compliant Amendment (1 page)

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN PROPRIETARY INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT). THANK YOU.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (Voluntary Revised Practice)


The amendment filed 5-21-03 under the voluntary revised amendment practice guidelines¹, published in the Official Gazette on February 25, 2003 (*Amendments in a Revised Format Now Permitted*, 1267 Off. Gazette 106), does not fully comply with minimal requirements of the voluntary practice. In order for the amendment to be entered, it must either (1) comply with the guidelines of the voluntary revised amendment practice (which practice invokes waivers of certain 37 CFR 1.121(a)-(d) requirements) or (2) comply with current 37 CFR 1.121 requirements.

THE FOLLOWING ITEM(S) IN APPLICANT'S AMENDMENT CAUSES THE AMENDMENT TO BE NON-COMPLIANT WITH THE VOLUNTARY REVISED AMENDMENT PRACTICE.

- ☒ 1. A complete listing of all of the claims is not present in the amendment paper.
- ☐ 2. The listing of claims does not include the text of all claims currently under examination.
- ☒ 3. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ 4. Each claim has not been provided with a status identifier, and, as such, the individual status of each claim cannot be determined.
- ☒ 5. Other: Claims 1-34 which are cancelled
are not included in the Amendment.

LIE: Check one of the following boxes:

- ☐ **PRELIMINARY AMENDMENT:** Applicant is given ONE MONTH from the mail date of this letter to re-submit the amendment in compliance with either the guidelines of the revised amendment practice or current 37 CFR 1.121. Failure to comply with either the current 37 CFR 1.121 practice or with the voluntary practice will result in non-entry of the amendment and examination on the merits will commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be a *bona fide* response, applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit an amendment which complies with either the voluntary practice guidelines or current 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).


Supervisory Legal Instruments Examiner (SLIE)

¹ For further explanation of the guidelines of the revised amendment format, please see the posted notice and sample amendment format at:
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeliver.pdf> and
<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/formatrevamdtprc.pdf>

March 18, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

BY: Kalvin S.

Date: 7/8/03

#34/E
JW
7/9/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

HOFMANN, J. ET AL.

Serial No.: 09/403,092

Group Art Unit: 1645

Filed: October 15, 1999

Examiner: R. Zeman

For: *DICTYOCAULUS VIVIPARUS* ANTIGEN FOR THE DIAGNOSIS OF
LUNG WORM INFESTATION AND FOR VACCINATION

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R. §1.111

Honorable Commissioner of Patents
Washington, D.C. 20231

July 8, 2003

Sir:

In response to the Notice of Non-Compliant Amendment mailed June 24, 2003, Applicants respectfully submit a corrected response to the Office Action mailed November 20, 2002 and the Interview with the Examiner on April 29, 2003. Applicants respectfully submit the following amendments and remarks.

Applicants again wish to thank the Examiner for scheduling an Interview. The Interview was informative and hopefully productive. The following supplemental amendment is a result of the Interview.